

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>GIOVANNI ORANTES – State Bar No. 190060 THE ORANTES LAW FIRM, P.C. 3435 Wilshire Blvd. – Suite 2920 Los Angeles, CA 90010 Telephone: (213) 389-4362 Facsimile: (877) 789-5776 go@gobklaw.com</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1049 264 1432 533" style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>FEB 25 2021</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY penning DEPUTY CLERK</p></div> <p>CHANGES MADE BY COURT</p>
<p><u>NOT FOR PUBLICATION</u></p> <p>UNITED STATES BANKRUPTCY COURT</p> <p>CENTRAL DISTRICT OF CALIFORNIA – <u>LOS ANGELES</u> DIVISION</p>	
<p>In re:</p> <p>Simin Borjkhani</p> <p>Debtor(s).</p>	<p>CASE NUMBER: 2:20-bk-20413-RK</p> <p>CHAPTER: 7</p> <p>ORDER <input type="checkbox"/> GRANTING <input checked="" type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held DATE: TIME: COURTROOM: ADDRESS:</p>
<p>Creditor Holding Lien to be Avoided (name): CITIBANK (SOUTH DAKOTA) N.A. C/O Hunt & Henriquez</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☒ Notice of this Motion complied with LBR 9013-1(o).
 - a. ☒ There was no opposition and request for hearing.

"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

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- b. ☐ Hearing requested and held as indicated in the caption.
3. ☐ Motion granted as set forth in the **Attachment** to this order.
4. ☒ Motion denied on the following grounds: ☐ with prejudice ☒ without prejudice
- a. ☐ Insufficient notice
- b. ☐ Insufficient evidence of the exempt status of the property in question
- c. ☐ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
- d. ☐ Insufficient evidence of fair market value.
- e. ☐ Motion is incomplete.
- f. ☒ Other (*specify*):

In paragraph 7(a) of the motion, Debtor Simin Borjkhani states, "The Debtor does not currently own real property but does not want this lien to attach to any future property." Because Debtor does not own any real property now and 11 U.S.C. § 522(f)(1) requires a debtor to have possessed an interest to which a lien attached, before it attached, to avoid the fixing of the lien on that interest, *Farrey v. Sanderfoot*, 500 U.S. 291 (1991), Debtor cannot avoid the fixing of the lien on a future interest on real property that he does not currently own.

5. ☒ The court further orders as follows (*specify*): The court denies the motion without prejudice to filing a motion for reconsideration to show why *Farrey v. Sanderfoot* does not control here since Debtor did not address it in the motion.
- ☐ See attached page

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Date: February 25, 2021



Robert Kwan
United States Bankruptcy Judge